

DETAILED ACTION

Status of the Claims

This Office Action is in response to Applicant's Restriction Requirement remarks filed on June 29, 2011. Claim(s) 1-46 are pending. Claim(s) 3-7, 9, 10, 12-22, 26, 27, and 29-46 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant's election of Group I and election of species of phenyl alanine with traverse of the restriction requirement in the reply is acknowledged. The traversal is on the grounds that there is no undue burden. This not found to be persuasive because the inventions are independent and distinct because there is no patentable co-action between the groups and a reference anticipating one member will not render another obvious. Each group is directed to art recognized divergent subject matter which require different searching strategies for each group. Moreover, the examiner must perform a commercial database search on the subject matter of each group in addition to a paper search, which is quite burdensome to the examiner. The restriction requirement is still considered proper and is therefore made FINAL. Claim(s) 1, 2, 8, 11, 23-25, and 28 are examined herein insofar as they read on the elected invention and species.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 2, 8, 11, 23-25, and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant claims a method comprising identifying a subject with a depressive disorder and then administering a carbonic anhydrase activator, however it is not clear what disorder the instant application intends to treat.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 8, 11, 23-25, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Birkmayer (Journal of Neural Transmission, 1984) as evidenced by Casini (Bioorganic and Medicinal Chemistry Letters, 2003) of record.

Birkmayer teaches the administration of L-deprenyl with that of L-phenylalanine as an effective method in the treatment of depression (see whole document).

As evidenced by Casini, phenylalanine is a carbonic anhydrase activator.

Thus the instant claims are deemed anticipated over the cited art.

Conclusion

Claims 1, 2, 8, 11, 23-25, and 28 are not allowed.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sahar Javanmard whose telephone number is (571) 270-3280. The examiner can normally be reached on 8 AM-5 PM MON-FRI (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreeni Padmanabhan can be reached on (571) 272-0629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/S. J./

Examiner, Art Unit 1627

/SREENI PADMANABHAN/

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Supervisory Patent Examiner, Art Unit 1627